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Debtor in Possession ANTHONY S. LEVANDOWSKI

16
17 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
18 **SAN FRANCISCO DIVISION**

19 In re:
20 ANTHONY SCOTT LEVANDOWSKI,
21 Debtor.

Bankruptcy Case
No. 20-30242 (HLB)
Chapter 11

Hon. Hannah L. Blumenstiel

Adv. Pro. No. 20-03050 (HLB)

22
23 ANTHONY LEVANDOWSKI, an individual,
24 Plaintiff,
25 v.
26 UBER TECHNOLOGIES, INC.,
27 Defendant.

**PLAINTIFF'S ADMINISTRATIVE
MOTION TO FILE PARTIALLY
REDACTED OPPOSITIONS TO UBER'S
MOTIONS *IN LIMINE* AND TO FILE
EXHIBITS A, B, C, D, E, F, G, H, I, K, L
AND O UNDER SEAL**

1 Plaintiff Anthony Levandowski (“Mr. Levandowski”) submits this Administrative Motion
2 to seal pursuant to Sections 105(a) and 107(b) of Title 11 of the United States Code (the
3 “Bankruptcy Code”), Rule 9018 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy
4 Rules”), and Civil Local Rule 79-5 (applicable here pursuant to Local Bankruptcy Rule 1001-
5 2(a)), for entry of an order permitting Mr. Levandowski to file under seal certain exhibits to the
6 February 7, 2022 Declaration of Brett M. Schuman (“Schuman Decl.”) in Support of (1)
7 Plaintiff’s Opposition to Uber’s Motion *In Limine* Barring Alleged Evidence And Argument
8 About Uber’s Alleged Motivations And Intent to Harm Google, (2) Plaintiff’s Opposition to
9 Uber’s Motion *In Limine* Barring Alleged Evidence And Argument In Support Of Plaintiff’s
10 Alleged Consequential Damages Claim, and (3) Plaintiff’s Opposition to Uber’s Motion *In*
11 *Limine* Regarding Arbitration Award (“Oppositions”) and to redact portions of the Oppositions
12 relying on the exhibits and other materials filed provisionally under seal.

13 I. BACKGROUND

14 On September 16, 2020, the Bankruptcy Court entered a Protective Order in the adversary
15 proceeding (“Protective Order”). *See* Adv. Dkt. No. 42. The Protective Order recognizes the
16 parties’ obligation to follow the procedures set forth in Civil Local Rule 79-5 when warranted.
17 The parties to this action are bound by additional protective orders entered into in the prior
18 litigation *Waymo LLC vs. Uber Technologies, et al.*, (Case No. 17-00939) (“Waymo litigation”) and in *Google LLC v. Levandowski*, JAMS Case No. 1100086069 (“Google arbitration”).

20 II. BASIS FOR RELIEF REQUESTED

21 The Bankruptcy Code, the Bankruptcy Rules, and the Bankruptcy Local Rules authorize
22 the Court to restrict disclosure of confidential information if such restrictions protect the parties
23 from potential harm. Bankruptcy Code § 107(b) provides that upon a parties’ request to seal or
24 redact information, “the bankruptcy court *shall*” issue any order to “protect an entity with respect
25 to a trade secret or *confidential* research, development or commercial information.” 11 U.S.C.
26 § 107(b) (emphasis added). The Bankruptcy Rules similarly permit the Court to issue any orders
27 that “justice requires,” including orders “to protect the estate or any entity in respect of a trade
28 secret or other confidential research, development, or commercial information.” Fed. R. Bankr.

1 P. 9018. In addition, the Bankruptcy Local Rules provide that “[n]o document may be filed under
2 seal . . . except pursuant to a Court order that authorizes the sealing of the particular document or
3 portions thereof.” Civil Local Rule 79-5 (which applies to this proceeding pursuant to
4 Bankruptcy Local Rule 1001-2(a)).

5 Mr. Levandowski provisionally requests to file redacted Oppositions and to file the below
6 exhibits under seal:

- 7 • **Exhibit A** contains information designated Highly Confidential by Uber pursuant
8 to the parties’ Protective Order.
- 9 • **Exhibit B** contains information designated Confidential by Uber pursuant to the
10 parties’ Protective Order.
- 11 • **Exhibit C** contains information designated Highly Confidential by Uber pursuant
12 to the parties’ Protective Order.
- 13 • **Exhibit D** contains information designated Highly Confidential by Uber pursuant
14 to the parties’ Protective Order.
- 15 • **Exhibit E** contains information designated Highly Confidential by Uber pursuant
16 to the parties’ Protective Order.
- 17 • **Exhibit F** contains information designated Confidential pursuant to the parties’
18 Protective Order.
- 19 • **Exhibit G** contains information designated Highly Confidential pursuant to the
20 parties’ Protective Order.
- 21 • **Exhibit H** contains information designated Highly Confidential by Uber pursuant
22 to the parties’ Protective Order.
- 23 • **Exhibit I** contains information designated Highly Confidential by Uber pursuant
24 to the parties’ Protective Order.
- 25 • **Exhibit K** contains information designated Confidential pursuant to the parties’
26 Protective Order.
- 27 • **Exhibit L** contains information designated Confidential pursuant to the parties’
28 Protective Order.

- 1 • **Exhibit O** contains information designated Highly Confidential pursuant to the
2 parties' Protective Order.

3 Mr. Levandowski takes no position on whether any of the above exhibits should be sealed
4 from the public, but understands that Uber, Waymo, and non-parties to this action may ask for
5 these exhibits to remain sealed. Mr. Levandowski seeks to provide Uber, Waymo, and non-
6 parties with an opportunity to file supporting declarations establishing their confidentiality
7 interests pursuant to Civil Local Rule 79-5. Mr. Levandowski does not seek to file remaining
8 Exhibits J, M, and N under seal.

9 **III. CONCLUSION**

10 For all of the foregoing reasons, Mr. Levandowski respectfully requests that the Court
11 grant this Administrative Motion and enter the accompanying proposed order.

12
13 Dated: February 7, 2022

GOODWIN PROCTER LLP

14
15 By: /s/ Brett M. Schuman

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16
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